IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10092 & 10093 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL PINESHKUMAR AMRUTBHAI

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

1. Special Civil Application No. 10092 & 10093 of 2002

MR PS PATEL for Petitioner No. 1

Ms.Manisha Shah,AGP for Respondent No. 1-3

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 10/10/2002

ORAL(COMMON) JUDGEMENT

Rule. Ms.Manisha Shah, Ld.AGP appears and waives

service of rule. With the consent of parties matters are taken up for final hearing today.

2. There is no dispute on the point both these petitions are covered by the decision of this court dated 4.10.02 in Spl.C.A.No.9790/02 (Bhumikaben Kiranbhai Patel vs Director, Primary Education). In my view, since the matters are covered by the said decision, it is not necessary to this court to elaborately record the reasons again. However, suffice it to say that for the reasons recorded in the matter of Bhumikaben K.Patel (supra) both these petitions deserve to be allowed.

3. In view of the above, both these petitions deserve to be allowed with a clarification that the admissions which have already been granted to the students are not to be disturbed. However, Mr.Patel for the petitioners states that the seats in PTC course are still vacant and the admission process is going on. Therefore, the respondents are directed to consider the case of the petitioners for grant of admission on the basis of marks obtained in XIIth Std (General stream) without any deduction of marks but without disturbing the admissions already granted. Respondents shall consider the case of the petitioners on the basis of interse merit for finalising the admission process without disturbing the admissions already granted. Rule in each petition is made absolute accordingly. There shall be no order as to costs. DS permitted.

10.10.02 (JAYANT PATEL,J)